

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Revenue Department - Allegation of misappropriation of Civil Supplies Essential Commodities against Sri K. Rajanna, formerly Deputy Tahsildar (PDS), MLS Point, Kodakandla, Warangal District and now retired from service – Disciplinary Action – Punishment of withholding of entire pension and gratuity permanently besides recovery of loss – Orders – Issued.

REVENUE (VIG.VI) DEPARTMENT

G.O.Ms.No. 1681 .

Dated: 03.09.2011.

Read the following:-

1. Proceedings of the Collector, Warangal District, Rc.No.A1/386/91, dated: 11.11.1993.
2. Order of the APAT, Hyderabad, dated: 14.06.2001 in O.A.No.6466/93.
3. Order of the High Court of A.P., Hyderabad, dated: 16.06.2003 in W.P.No.9090/03.
4. Govt.Memo.No.64690/Vig.VI (2)/2001, dated: 05.11.2003.
5. From the Secretary, TDP, Hyderabad, Letter No.S/29/2006, dated: 24.10.2006.
6. Govt.Memo.No.64690/Vig.VI (2)/2001-8, dated: 26.04.2007.
7. Representation of Sri K. Rajanna, D.T., dated: 27.07.2007.
8. Govt.Memo.No.64690/Vig.VI (2)/2001-3, dated: 26.08.2009.
9. Representation of Sri K. Rajanna, D.T., dated: 04.05.2011.

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ORDER:

In the reference 1st read above orders were issued imposing the punishment of dismissal from service against Sri K. Rajanna, formerly Deputy Tahsildar (PDS), MLS Point, Kodakandla, Warangal District and now retired from service on the charge of misappropriation of Civil Supplies essential commodities worth Rs.14,37,269.25 Ps., by the Collector, Warangal District. It was also ordered therein that the order would not preclude the authorities concerned to recover the entire economic value of essential commodities misappropriated by the Accused Officer to a tune of Rs.14,37,269.25 Ps. Aggrieved by the above, the Accused Officer approached the Andhra Pradesh Administrative Tribunal, Hyderabad and the Hon'ble Tribunal in the reference 2nd read above had set aside the impugned orders passed by the Collector, Warangal District on the technical ground that the Tribunal for Disciplinary Proceedings alone has the jurisdiction to conduct the enquiry into the misconduct on the part of the Accused Officer under the provisions of Andhra Pradesh Civil Services (DPT) Act, 1960 as the charges were framed and issued prior to the amendment of the Act 6/93, duly giving a liberty to the authorities to take any further action against the Accused Officer as warranted under the rules. Against the order of the Andhra Pradesh Administrative Tribunal, the Collector, Warangal District filed W.P.No.9090/03 in the High Court of A.P., Hyderabad and the Hon'ble High Court, in its order 3rd read above, had dismissed the W.P. observing that they do not find any ground to interfere with the order passed by the Tribunal.

2. After examination of the matter in the light of the order of the Hon'ble High Court, Hyderabad, Government have decided to entrust the case to the Tribunal for Disciplinary Proceedings, and accordingly, in the reference 4th read above, the case was entrusted to the Tribunal for Disciplinary Proceedings for conducting enquiry. In the reference 5th read above, the Secretary, Tribunal for Disciplinary Proceedings has forwarded the report in TEC No.94/2004, dated 23.02.2006 wherein the Tribunal for Disciplinary Proceedings opined that the Accused Officer was found guilty of all the (4) charges framed and he is liable for dismissal from service and the shortages which were arrived at by the authorities shall be taken as shortages and the value calculated by the authorities as per conditions of the agreement is the value to be recovered from the Accused Officer as per the rules.

3. In the reference 6th read above, Government, while communicating a copy of the report of the Tribunal for Disciplinary Proceedings, requested the Accused Officer to submit his representation, if any, as required under rule 6(2) (b) of the Andhra Pradesh Civil Services (DPT) Rules, 1989, read with Rule 9 of Andhra Pradesh Revised Pension Rules, 1980. In the reference 7th read above, the Accused Officer has submitted his representation stating that the shortages were worked out on paper only but they were not physical shortages and requested the Government to drop further action against him.

4. The Government after examination of the issue in the light of the representation of the Accused Officer have decided to impose a penalty of

withholding of entire pension and gratuity permanently besides recovery of value of shortages amounting to Rs.14,37,269.25 Ps. under Revenue Recovery Act. Accordingly, before imposing the penalty on the Accused Officer, in the reference 8th read above, a show-cause notice was issued to the Accused Officer for making a representation, if any, on the proposed punishment. In the reference 9th read above, the Accused Officer has submitted his explanation to the show-cause notice stating that at the end of financial year by 31st March, 1989 no reconciliation was made prior to his taking charge of MLS Point Godown on 01.05.1989, his predecessor had handed over the charge of opening balance as on 01.04.1989 as 827.63 quintals of rice and closing balance as 1190.08 quintals of rice and he had also acknowledged the same without deducting the closing balance as on 31.03.1989 for 409 quintals and on good faith and respecting his senior, he had taken over charge of MLS Point by counting of bags without weighment. Moreover, there were lot of differences in between the entries in the Stock Register of MLS Point, Kodakandla and statement prepared by the District Manager, APSCSC Ltd., Warangal. Further, while mentioning the admissions made by the PW1 to PW3 in the Hon'ble Tribunal for Disciplinary Proceedings the Accused Officer has stated that the above admissions speak that he was made responsible for shortage of essential commodities W/Rs.14,37,269-25 Ps., in the absence of original records. He has also stated that the criminal case registered against him was also referred as un-detected for want of original records and the Hon'ble Tribunal for Disciplinary Proceedings, in its judgment, had also stated that the registers maintained by APSCSCL and APESCOM were not placed before the Tribunal and hence the shortages worked out were in the absence of records and reconciliation in the month of March, 1989 and March, 1990 and without physical verification of MLS Point Godown. He has, therefore, requested the Government to close departmental action against him as he is suffering without pensionary benefits for 9 years and 11 months.

5. Government after careful examination of the matter in the light of the explanation of the Accused Officer to the show-cause notice hereby observe that the enquiry conducted by the Tribunal for Disciplinary Proceedings clearly states that even though the registers maintained by APSCSCL and APESCOM were not placed before the Tribunal that would not affect the case of prosecution as the Charged Officer did not maintain the stock registers and other records properly and whatever was found as deficit by the authorities would be far less than the deficit which would be found after thorough verification and the Tribunal for Disciplinary Proceedings found the Accused Officer guilty of all the (4) charges framed against him. Moreover the Accused Officer has not made any representation on the aspect of punishment proposed in the provisional decision.

6. In the light of the above, the Government hereby confirm the provisional decision taken vide reference 8th cited and accordingly impose the punishment of withholding of entire pension and gratuity permanently on Sri K. Rajanna, formerly Deputy Tahsildar (PDS), MLS Point, Kodakandla, Warangal District, now retired from service, besides recovery of value of shortages amounting to Rs.14,37,269.25 Ps. from him under Revenue Recovery Act.

7. The Chief Commissioner of Land Administration, A.P., Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Special Chief Secretary &
Chief Commissioner of Land Administration,
A.P., Hyderabad.

Copy to:

- 1) The Individual. (through C.C.L.A, A.P., Hyderabad.)
- 2) The Vice Chancellor & Managing Director,
Andhra Pradesh State Civil Supplies Corporation, Hyderabad.
- 3) The Collector, Warangal District.
- 4) The Accountant General,
A.P., Hyderabad.
- 5) The District Treasury Officer,
Warangal.
- 6) Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER